

## Message Text

CONFIDENTIAL

PAGE 01 BONN 14571 01 OF 03 011236Z

47

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13

ACDA-07 /079 W

----- 067691

R 011222Z SEP 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 1467

INFO USMISSION USBERLIN

USMISSION EC BRUSSELS

USMISSION NATO BRUSSELS

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 03 BONN 14571

E.O. 11652: GDS

TAGS: PFOR PGOV WB EC US UK FR GW UR

SUBJECT: SOVIET DEMARCHE ON BERLIN AND THE EUROPEAN  
PARLIAMENT

REFS: (A) BONN 13127; (B) MOSCOW 12265

BEGIN SUMMARY. THE BONN GROUP HAS REACHED AD REF  
AGREEMENT ON AN ALLIED REPLY TO THE SOVIET DEMARCHE OF  
AUGUST 3 ON THE INCLUSION OF BERLINERS IN A DIRECTLY-  
ELECTED EUROPEAN PARLIAMENT. GIVEN THE  
IMPORTANCE OF THE ISSUE AND THE FACT THAT THE SOVIETS  
TOOK THE UNUSUAL STEP OF PUBLISHING THEIR DEMARCHE AS A  
TASS STATEMENT, THE BONN GROUP ALSO RECOMMENDS THAT THE  
EVENTUAL ALLIED REPLY BE PUBLISHED AS WELL. ACTION  
REQUESTED: APPROVAL OF THE AD REF TEXT AND INSTRUCTIONS  
ON THE QUESTION OF PUBLICATION. END SUMMARY.

1. THE BONN GROUP ON AUGUST 31 REACHED AD REF AGREEMENT  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 14571 01 OF 03 011236Z

ON THE TEXT OF AN ALLIED REPLY TO THE SOVIET STATEMENT,

HANDED TO ALLIED AMBASSADORS IN MOSCOW AUGUST 3 (REF B), WHICH CLAIMED THAT "THE DIRECT OR INDIRECT PARTICIPATION OF WEST BERLIN IN ELECTIONS TO THE EUROPEAN PARLIAMENT WOULD REPRESENT A GROSS VIOLATION OF THE QA."

2. THE PROPOSED REPLY REPRESENTS THE RESULTS OF SEVERAL DRAFTS AND SEVERAL BONN GROUP SESSIONS. IT IS LONGER THAN BONN GROUP REPS, AND PARTICULARLY THE FRENCH, HAD INITIALLY THOUGHT DESIRABLE. IT REPRESENTS, HOWEVER, THE FEELING OF THE BONN GROUP THAT THE QUESTION OF BERLIN'S RELATIONSHIP TO THE EC IS ONE OF THE MOST TROUBLESOME ISSUES OF THE FUTURE AND DESERVES RATHER CAREFUL HANDLING AT THIS STAGE. BEARING IN MIND THAT THE SOVIET DEMARCHE HAD BEEN ISSUED SIMULTANEOUSLY AS A TASS STATEMENT, THE BONN GROUP ALSO CONSIDERED THAT THE ALLIED REPLY SHOULD BE ONE WHICH, IF PUBLISHED, WOULD CONVEY TO THE READING PUBLIC A REASONABLY FULL RATIONALE FOR THE ALLIED POSITION.

3. THE BURDEN OF THE SOVIET DEMARCHE WAS THAT THE CHANGING NATURE OF THE EC AND OF THE EUROPEAN PARLIAMENT WOULD INVOLVE CHANGES IN THE STATUS OF BERLIN. WHILE REJECTING THAT ARGUMENT, THE ALLIED REPLY WOULD BE BASED MORE ON THE PROPOSITION THAT BERLIN'S INCLUSION IN THE AREA OF APPLICATION OF THE EC TREATIES WAS A PART OF THE "EXISTING SITUATION" WHEN THE QA WAS CONCLUDED. THE QA THUS REQUIRED NO CHANGE IN BERLIN'S RELATIONSHIP TO THE EC.

4. IN WORDING THE REPLY, THE BONN GROUP SOUGHT TO AVOID LANGUAGE WHICH WOULD PREJUDGE THE STILL PENDING QUESTION OF WHETHER BERLINERS WOULD CONTINUE TO HAVE FULL VOTING RIGHTS ONCE THE POWERS OF THE EUROPEAN PARLIAMENT WERE EXTENDED. THUS, THE FIRST SENTENCE OF PARA E OF THE DRAFT REPLY NOTES ONLY THAT THE THREE POWERS HAVE DETERMINED THAT "REPRESENTATIVES FROM BERLIN MAY CONTINUE TO BE INCLUDED IN THE DELEGATION OF THE FRG TO THE ASSEMBLY." (EARLIER DRAFTS HAD SAID THAT BERLINERS MIGHT "CONTINUE TO PARTICIPATE IN THE WORK OF THE ASSEMBLY.")

CONFIDENTIAL

CONFIDENTIAL

PAGE 03     BONN 14571 01 OF 03 011236Z

5. ON MODALITIES FOR DELIVERY, THE BONN GROUP RECOMMENDS THAT THE THREE ALLIED EMBASSIES IN MOSCOW DELIVER THE REPLY, AT A LEVEL TO BE DETERMINED BY THOSE EMBASSIES. IF AGREEMENT CAN BE REACHED IN TIME, IT WOULD BE PREFERABLE TO DO THIS BEFORE SEPTEMBER 20, WHEN THE EC IS EXPECTED TO TAKE A FINAL DECISION ON DIRECT ELECTIONS.

6. AFTER CONSIDERABLE DISCUSSION OF THE PROS AND CONS OF PUBLISHING THE ALLIED RESPONSE, THE BONN GROUP AGREED TO RECOMMEND TO CAPITALS THAT THIS BE DONE. IT WILL BE NECESSARY IN ANY CASE TO INFORM THE EC THAT THE ALLIES HAVE RESPONDED TO THE WELL-PUBLICIZED SOVIET STATEMENT AND TO OUTLINE THE NATURE OF THE ALLIED REPLY. IN

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BONN 14571 02 OF 03 011237Z

47

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13

ACDA-07 /079 W

----- 067711

R 011222Z SEP 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 1468

INFO USMISSION USBERLIN

USMISSION EC BRUSSELS

USMISSION NATO BRUSSELS

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 02 OF 03 BONN 14571

ADDITION, THE PUBLICITY ATTENDING THE ISSUANCE BY TASS OF THE SOVIET STATEMENT WILL MAKE IT NECESSARY TO PUBLICIZE AT LEAST THE FACT OF AN ALLIED ANSWER, AND THERE WILL UNDOUBTEDLY BE EXTENSIVE BACKGROUNDING ON THE CONTENTS OF THE ALLIED REPLY. IT THUS SEEMS PREFERABLE TO GET THE EXACT WORDING OF THE ALLIED POSITION ON THE RECORD.

7. THE TEXT OF THE AD REF BONN GROUP DRAFT FOLLOWS:

BEGIN TEXT

A. ON BEHALF OF THE (BLANK) GOVERNMENT I WOULD LIKE TO STATE THE FOLLOWING WITH REGARD TO THE STATEMENT OF THE USSR MINISTRY OF FOREIGN AFFAIRS OF AUGUST 3, 1976:

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 14571 02 OF 03 011237Z

B. AS THE SOVIET GOVERNMENT IS AWARE, THE THREE POWERS, IN ACCORDANCE WITH THE ESTABLISHED PROCEDURES AND SUBJECT TO ALLIED RIGHTS AND RESPONSIBILITIES, IN 1957 APPROVED THE EXTENSION TO THE WESTERN SECTORS OF BERLIN OF THE TREATY OF ROME ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY. ON THE SAME BASIS THEY SUBSEQUENTLY APPROVED THE EXTENSION TO THE WSB OF OTHER CONSTITUTIVE TREATIES OF THE EUROPEAN COMMUNITY. CONSEQUENTLY, THE WSB HAVE SINCE 1957 BEEN INCLUDED IN THE AREA OF APPLICATION OF THESE TREATIES AND THUS IN THE AREA IN WHICH THE ACTS OF COMMUNITY ORGANS TAKE EFFECT, SUBJECT TO THE PROVISION THAT SUCH ACTS CANNOT AFFECT ALLIED RIGHTS AND RESPONSIBILITIES, INCLUDING THOSE RELATING TO MATTERS OF SECURITY AND STATUS.

C. THE TREATY OF ROME PROVIDED AMONG OTHER THINGS FOR THE ESTABLISHMENT OF A EUROPEAN ASSEMBLY AND CHARGED THIS ASSEMBLY TO WORK OUT PROCEDURES FOR ITS MEMBERS TO BE DIRECTLY ELECTED. REPRESENTATIVES FROM BERLIN HAVE PARTICIPATED IN THE WORK OF THE ASSEMBLY SINCE ITS INCEPTION.

D. THESE FACTS WERE A MATTER OF PUBLIC RECORD WHEN THE QUADRIPARTITE AGREEMENT WAS SIGNED AND SUBSEQUENTLY BROUGHT INTO FORCE BY COMMON CONSENT OF THE FOUR POWERS. THEY WERE PART OF THE EXISTING SITUATION, WHICH THE FOUR POWERS TOOK INTO ACCOUNT IN CONCLUDING THE QUADRIPARTITE AGREEMENT. THUS THE QA IN NO WAY AFFECTED THE APPLICATION IN THE WSB OF EUROPEAN COMMUNITY TREATIES.

E. IN THE LIGHT OF THE EXISTING SITUATION, THE THREE POWERS HAVE DETERMINED THAT WHEN THE PROPOSAL OF THE EUROPEAN COMMUNITIES FOR DIRECT ELECTIONS TO THE EUROPEAN ASSEMBLY COMES INTO EFFECT REPRESENTATIVES FROM BERLIN MAY CONTINUE TO BE INCLUDED IN THE DELEGATION OF THE FRG TO THE ASSEMBLY. AT THE SAME

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BONN 14571 03 OF 03 011238Z

47

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13

ACDA-07 /079 W

----- 067723

R 011222Z SEP 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 1469

INFO USMISSION USBERLIN

USMISSION EC BRUSSELS

USMISSION NATO BRUSSELS

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 03 OF 03 BONN 14571

TIME, WITH A VIEW BOTH TO SAFEGUARDING THEIR RIGHTS AND RESPONSIBILITIES AND TO MAINTAINING THE STATUS OF BERLIN, THE THREE POWERS HAVE BEGIN BRACKETS DETERMINED/AGREED END BRACKETS THAT THE REPRESENTATIVES FROM BERLIN IN THE EUROPEAN ASSEMBLY WILL NOT BE DIRECTLY ELECTED BUT WILL BE SELECTED BY THE BERLIN HOUSE OF REPRESENTATIVES. IN THESE CIRCUMSTANCES THE CONTINUED PARTICIPATION OF BERLIN REPRESENTATIVES IN THE EUROPEAN ASSEMBLY, UNDER THE PROVISOS DESCRIBED ABOVE, CANNOT CONSTITUTE A UNILATERAL CHANGE IN THE "EXISTING SITUATION" OR AFFECT THE STATUS OF BERLIN.

F. THE (BLANK) GOVERNMENT CANNOT, THEREFORE, ACCEPT THE SOVIET CONCLUSION THAT THE INDIRECT PARTICIPATION OF THE WSB IN ELECTIONS TO THE EUROPEAN ASSEMBLY WILL REPRESENT A VIOLATION OF THE QA. THE (BLANK) GOVERNMENT FOR ITS PART WILL CONTINUE TO PURSUE  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 14571 03 OF 03 011238Z

POLICIES AIMED AT PREVENTING COMPLICATIONS IN AND  
AROUND BERLIN.

END TEXT.

8. ACTION REQUESTED:

A. APPROVAL OF THE AD REF TEXT AND OF DELIVERY  
IN MOSCOW, AT A LEVEL TO BE DETERMINED BY THE THREE  
EMBASSIES THERE; AND

B. AGREEMENT TO PUBLISHING THE TEXT, ALONG WITH  
AN INDICATION OF WHETHER THIS SHOULD BE DONE IN MOSCOW,  
IN BONN, OR IN THE THREE CAPITALS.  
HILLENBRAND

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DEMARCHE, ELECTION LAW, AGREEMENT DRAFT, BERLIN QUADRIpartite MATTERS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 01 SEP 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ElyME  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976BONN14571  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760331-1282  
**From:** BONN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t197609103/aaaadkmr.tel  
**Line Count:** 297  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 6  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 BONN 13127, 76 MOSCOW 12265  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ElyME  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 01 APR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <01 APR 2004 by BoyleJA>; APPROVED <13 AUG 2004 by ElyME>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SOVIET DEMARCHE ON BERLIN AND THE EUROPEAN PARLIAMENT  
**TAGS:** PFOR, PGOV, WB, US, UK, FR, GE, UR, EUROPEAN PARLIAMENT, EEC  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006